



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
IN RE APPLICATION OF : Labinski, et al.  
  
FOR : DISPENSER VALVE WITH PUSH-TO-  
OPEN SPOUT  
  
SERIAL NO. : 10/808,784  
  
FILED : March 25, 2004  
  
ART UNIT : 3751  
  
CONFIRMATION NO. : 6026  
  
ATTORNEY DOCKET NO. : TOMZ 2 00444

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Notice to File Missing Parts mailed June 7, 2004 on the above-captioned patent application, a "Declaration For Patent Application" is enclosed herewith as well as the return copy of the Patent Office's Notice to File Missing Parts.

The enclosed Declaration has been duly executed by the inventor(s).

Enclosed is a check in the amount of \$65.00 in payment of the surcharge required under 37 CFR 1.16(e) for filing the Declaration later than the filing date of the application.

A Request for a Two Month Extension of Time to respond to the Notice to File Missing Parts is being filed concurrently along with the appropriate fee under 37 C.F.R. 1.17.

The Commissioner is hereby authorized to charge any additional fees which may be necessary or credit any overpayment to Deposit Account No. 06-0308.

The foregoing submissions are believed to meet the requirements of the Notice to File Missing Parts, and the applicant(s) await(s) further action on the application from the Patent and Trademark Office.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

Oct. 6, 2004  
Date

Steven M. Haas  
Steven M. Haas, Reg. No. 37,841  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2518  
216/861-5582

**CERTIFICATE OF MAILING**

I hereby certify that these papers are being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope with sufficient postage addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 6, 2004.

By: George B. Sonntag  
George B. Sonntag

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/808,784	03/25/2004	Jeffery J. Labinski	TOMZ 2 00444

CONFIRMATION NO. 6026

## FORMALITIES LETTER



\*OC000000012892782\*

Fay, Sharpe, Fagan,  
 Minnich & McKee, LLP  
 Seventh Floor  
 1100 Superior Avenue  
 Cleveland, OH 44114

Date Mailed: 06/07/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

10/12/2004 H&UTB#01 00000008 10808784 65.00 OP  
 01 FC:2051

Melvin E. Hise

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE